IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2199 OF 2002

The Maharashtra State Co-op.
Bank Ltd. ... Petitioner

Vs.

The Debt Recovery Tribunal
and Ors. ...Respondents

Mr. Y.R. Naik i/by Prashant Naik for Petitioenr.
Mr. Sureshkumar i/by K.B. Rao for R. No. 6.

Mrs. S.S. Bhende, A.G.P. for R. No. 5.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : APRIL 21, 2005

P.C.

. Rule. Heard forthwith

. Respondent No. 2 has been served. Yet he has chosen not to put in appearance. The issue is limited. The Petitioners have an award in their favour. That award was sought to be executed as a decree of the court. The Division Bench of this Court took a view that in so far as amount more than Rs. 10 lacs it will be the D.R.T. which would have a jurisdiction That view was upheld by the Full Bench Judgement of this Court. The Full Bench Judgement has been stayed by the Apex Court. In view of the Full Bench Judgement of this Court, the Civil Court transferred the award to the D.R.T.

for execution. It is that order which is subject matter of the present Petition.

. The Judgement of the Full Bench of this Court has been stayed by the Apex Court. In the light of that Civil Court continues to have jurisdiction. That being the case, order dated 12.10.1999 is quashed and set aside. The Recovery Officer is directed to retransfer the proceedings to the Civil Judge,Sr. Division, Kolhapur, the Executing Court. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)